



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

FILED

10-24-07

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Order Instituting Rulemaking into the Review
Of the California High Cost Fund B Program

Rulemaking 06-06-028

RESPONSE OF AT&T CALIFORNIA (U 1001 C)
TO THE APPLICATION OF THE UTILITY REFORM NETWORK
FOR REHEARING OF D.07-09-020

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Attorney for AT&T

October 24, 2007

Pursuant to Rule 16.1, AT&T California¹ hereby response to the Application of The Utility Reform Network ("TURN") for Rehearing of D.07-09-020 ("Application").

TURN contends (at 8-9) that Phase II should be used to "revisit" the affordability standard. The Commission found that "\$36 per month, representing average household expenditures on basic service, provides a reasonable threshold benchmark and is within the range of affordability for basic service."² The Commission adopted a transition to use \$36 as both the benchmark for identifying high-cost areas and the amount to be used in calculating the support. AT&T California's support to serve high-cost areas will be reduced as this transition occurs. The Commission could not change the affordability standard in Phase II without also changing the \$36 benchmark that will be used to identify high-cost areas and to calculate support. Leaving the \$36 as the benchmark, but changing the affordability standard, would be inconsistent and arbitrary, and thus unlawful.³

Dated at San Francisco, California, this 24th day of October 2007.

Respectfully submitted,

/s/
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¹ AT&T California is the name used by Pacific Bell Telephone Company to do business.

² D.07-09-020, *mimeo*, p. 46.

³ *General Chemical Corp. v. United States*, 817 F.2d 844, 846 (D.C. Cir. 1987). *Cross-Sound Ferry Services, Inc. v. I.C.C.*, 738 F.2d 481, 487 (D.C. Cir. 1984) ("Such Catch-22 thinking is the antithesis of reasoned decisionmaking."); *Southwestern Bell Telephone Co. v. F.C.C.*, 100 F.3d 1004, 1007 (D.C. Cir. 1996) ("[A] classic Catch-22 situation ... cannot be regarded as other than arbitrary and capricious.").

CERTIFICATE OF SERVICE

I, Morena E. Lobos, hereby certify that I have this day served a copy of the foregoing
**RESPONSE OF AT&T CALIFORNIA (U 1001 C) TO THE APPLICATION OF THE
UTILITY REFORM NETWORK FOR REHEARING OF D.07-09-020** on all persons on the
official service List in **R.06-06-028**, via e-mail, hand-delivery and/or first-class U.S. Mail.

Dated this 24th day of October 2007 at San Francisco, California.

AT&T CALIFORNIA
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/s/

Morena E. Lobos

CALIFORNIA PUBLIC UTILITIES COMMISSION

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